ESTTA Tracking number:

ESTTA276209 04/06/2009

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	94002389		
Party	User Theme Food Inc.		
Correspondence Address	Michael A. Cornman Schweitzer Cornman Gross & Bondell LLP 292 Madison Ave FI 19 New York, NY 10017-6313 UNITED STATES mac@scgb-law.com		
Submission	Stipulated/Consent Motion to Extend		
Filer's Name	Michael A. Cornman		
Filer's e-mail	mcornman@ladas.com, elipins@ladas.com, gdeluca@ladas.com		
Signature	/Michael A. Cornman/		
Date	04/06/2009		
Attachments	Motion to Extend.pdf (3 pages)(72655 bytes)		

UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK TRIAL AND APPEAL BOARD

Live Bait, LLC,	Plaintiff,)))	
v. Theme Food Inc.		•	Concurrent Use Proceeding No. 94002389
meme i dod mo.	Defendant.)))	

STIPULATED MOTION TO EXTEND

Defendant Theme Food Inc.'s time to answer is currently set to close on April 28, 2009. Defendant Theme Food Inc. hereby requests a sixty (60) day extension of time to answer or otherwise move and that all subsequent dates be reset accordingly. The new deadlines and periods for conferencing, disclosures, discovery and testimony are as follows:

Time to Answer: June 27, 2009

Deadline for Discovery Conference: July 27, 2009

Discovery Opens: July 27, 2009

Initial Disclosures Due: August 26, 2009

Expert Disclosures Due: December 24, 2009

Discovery Closes January 23, 2010

Plaintiff's Pretrial Disclosures March 9, 2010

Plaintiff's 30-day Trial Period Ends April 23, 2010

Defendant's Pretrial Disclosures May 8, 2010

Defendant's 30-day Trial Period Ends June 22, 2010

Plaintiff's Rebuttal Disclosures July 7, 2010

Plaintiff's 15-day Rebuttal Period Ends August 6, 2010

Plaintiff's attorney agreed to this extension on April 6, 2009. This motion is made in good faith and without any intent to cause delay or prejudice.

Dated: April 6, 2009

Respectfully Submitted,

Ву

Michael A. Cornman LADAS & PARRY LLP Attorneys For Defendant 26 West 61st Street New York, NY 10023

Telephone: (212) 708-1802

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2009 a true copy of the foregoing stipulated motion to extend has been served by first class mail, postage prepaid, to Plaintiff's attorneys at the following address:

David R. Burkholder Balch & Bingham LLP 1901 6th Ave N, Suite 1500 Birmingham, AL 35203-2618

Elliot W. Liģins